

**Probate Committee
Judicial Conference of Indiana**

January 16, 2004
Minutes

1. Members present. The following members of the committee were present: Kevin Barton, Larry E. Bradley, Barbara Harcourt, Phillip Houk, and Terrence Cody, Chair.
2. Staff present. Michelle C. Goodman provided the committee with staff assistance.
3. Guests present. The following guest was present: Judge Patricia Riley.
4. Approval of minutes. The committee approved the minutes from the October 24, 2003 meeting.
5. ISBA Report. Judge Cody reported to the Committee that the section meeting is tomorrow. The section has been focusing on draft legislation for the trust code and other issues such as will depository, amendments to the Uniform Transfer to Minors Act, amendments concerning powers of attorney, and increasing the memorial deductions for inheritance taxes.
6. Legislative Report. Michelle distributed several bills that were introduced this legislative session relating to inheritance tax, mental health, deadman's statute, transfer on death registration, and adoption information. Michelle reported that only a few of these bills received hearings and more detailed information could be found in the Friday Updates.
7. Probate Education Sessions. The Committee developed several ideas for education sessions in the probate area: (1) removal of personal representatives/executors, (2) will contests, (3) Trusts – where bank is trustee circumstances for removal of trustee, (4) Trusts – corporate fiduciary fee and termination of trusts, (5) allocation of expenses between income and residuary beneficiaries of trusts, (6) gifts in anticipation of death/state of mind of the donor, (7) What's new in Probate, (8) fee contest/objections to fees for personal representatives/fiduciaries, (9) Establishing trusts & guardianships, (10) Accounting and tax issues, (11) training for magistrate in this area, and (12) adoptions – pre-birth consents. The Committee also suggested having probate session geared to beginners and more advance sessions for others.
8. Local Probate Rules. Judge Cody explained to the Committee that he and Michelle had met with Judge Riley in December to discuss this project and invite her to attend this meeting in order to begin working on the review of local probate rules. Judge Riley explained that this project is part of a larger project to review all local rules. Judge Riley asked the Committee to review the local probate rules to determine which local rules are similar or different from the Trial Rules or statutes and to develop headings for the rules

to help in organizing the local rules. The members of the Committee divided up the list of counties with local probate rules for the purpose of review as follows:

Adams	Com. Bradley	Marion	Com. Bradley
Allen	Mag. Houk	Monroe	Judge Cody
Boone	Com. Bradley	Montgomery	Judge Cody
Brown	Com. Bradley	Newton	Judge Cody
Clark	Judge Cody	Parke	Judge Barton
Clay	Com. Bradley	Putnam	Judge Barton
Crawford	Mag. Houk	Randolph	Judge Harcourt
Fulton	Mag. Houk	Rush	Judge Harcourt
Grant	Mag. Houk	St. Joseph	Judge Barton
Hamilton	All members review	Vanderburgh	Judge Cody
Harrison	Mag. Houk	Vermillion	Judge Harcourt
Hendricks	Judge Cody	Wayne	Judge Harcourt
Johnson	Judge Barton	White	Judge Harcourt
Lake	Judge Barton		

9. Other Business. Com. Bradley indicated that the revision to the adoption section of the deskbook will be ready for review this summer.
10. Next meeting. The next meeting is scheduled for April 22, 2004 at 12:00 p.m. Michelle will provide more information about the location when it becomes available. The only agenda item for this meeting will be to review the results of the Local Rules Project.

Respectfully Submitted,

Michelle C. Goodman